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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/002,990	01/05/1998	THEODORE D. WUGOFSKI	450.219US1	8453

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GATEWAY, INC.

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EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2611

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/002,990	WUGOFSKI ET AL.
	Examiner Jason P Salce	Art Unit 2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 05 January 1998 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.
2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.	6) <input type="checkbox"/> Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The examiner is unclear what is meant by "wherein said particular one signal is said predetermined one of said signals currently". Examiner will refer to this limitation to read as: "wherein one of the media input signals is currently".

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-15, and 17 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 11-12, and 15-18 of U.S. Patent No. 6,038,614 (Chan et al.). Although the conflicting claims are not identical, they are not patentably distinct from each other (see table and discussion below).

Instant Application 09/002,990	Patent 6,038,614
1. A multimedia system, comprising: a plurality of media input signals; at least one setting associated with said signals which controls presentation of media from said signals; and wherein each of said signals is associated with a value for said settings; to thereby allow independent control of said setting for each of said signals.	1. A multimedia system, comprising: a plurality of multimedia sources; 1. at least one setting associated with said sources and configured to control presentation of media from said source; 1. said setting key controlling at least one parameter of the presentation of media from one of said plurality of sources 2. said setting key controls presentation of media from only one of said plurality of sources
2. claim 1, further comprising a media subsystem having a plurality of media input devices for providing said media input signals.	1. a plurality of media sources (which provide media input signals)
Claims 3 and 4 (obvious)	Chan defines that a "media input device" can provide video or audio, or both (obvious to do so)
5. an user input device for producing a selection command	1. user-input device having a plurality of source-selection means corresponding to said plurality of media signals
a media adapter for selecting one of said media input signals for presentation to said user in response to said selection command,	2. wherein said system is configured so that said setting key controls presentation of media from only one of said plurality of sources when said source-selection key corresponding to said one of said plurality of courses in said active state.
Claim 6 (obvious)	Obvious to provide a monitor or other output device
7. wherein said user input device further produces a setting modification command, and wherein and wherein said adapter is responsive to said modification command to modify the value of said setting for only said one media signal	1. a user input device having a plurality of source-selection keys corresponding to said plurality of multimedia sources, said setting key controlling at least one parameter of the presentation of media from one of said plurality of sources
Claims 8-9 (obvious)	Obvious to provide an input device and a GUI
10. A computer-readable medium containing computer instructions and data for carrying out the steps of: associating a value of a setting with each of a plurality of media input signals in a	15. A computer-readable medium having stored therein instructions and data for performing the method of: receiving settings for controlling the presentation of media from said selected

<p>multimedia system; selecting one of said media input signals for presentation to a user of said system; and presenting said one media input signal to said user with the value of said setting associated with said one media input signal.</p>	<p>channels; selecting among a plurality of media channels from sources in a multimedia system; controlling the presentation of media from said channels individually in response to said settings</p>
<p>11. A medium according to claim 10, wherein said associating step further associates a plurality of settings with each of said media input signals.</p>	<p>16. wherein said data structure is a table having a plurality of entries corresponding to said channels. (Therefore, the settings that are stored relate to the media input signals)</p>
<p>12. A medium according to claim 11, further comprising a data structure for holding said values for all of said settings, said structure having a separate entry for each of said media input signals.</p>	<p>15. recording said settings in a data structure in said system 16. (dependent on 15) wherein said data structure is a table having a plurality of entries corresponding to said channels.</p>
<p>Claim 13 (obvious)</p>	<p>Obvious to provide a modification command</p>
<p>14. A method for controlling a multimedia system configured to receive a plurality of multimedia input signals and present media from at least one of said input signals to a user through at least one output device, said method comprising: selecting one of said sources in response to a selection command to said system; presenting media from said one signal to said output device in accordance with at least one retrieved parameter value</p>	<p>11. A method for controlling a multimedia system having a plurality of multimedia sources, comprising: selecting among a plurality of media channels from said multimedia sources; receiving settings for controlling the presentation of media from said selected channels; controlling the presentation of media from said channels individually in response to said settings whenever said channels are selected;</p>
<p>retrieving, from a table of parameters associated with said sources, at least one parameter value corresponding to said one source</p>	<p>12. wherein said settings are received from said data structure</p>
<p>Claim 15 (obvious)</p>	<p>Obvious to store multiple values in a data structure (it has already been established that values stored in the data structure are related to the media sources/inputs signals)</p>
<p>17. receiving a selection code from said user representing said predetermined one signal; switching said one input signal to said one output device.</p>	<p>See selecting and controlling means in claim 11.</p>
<p>Claims 23-25, and 27</p>	<p>Covered by claims 1-2. (see Above)</p>

As shown in the table above, claims 1-15, and 17 are not patentably distinct because they are anticipated by the '614 patent.

Claims 3 and 4 correspond to instant application claims 2 and 3, and provides a further limitation of the media input devices providing audio and video media input signals. It would have been obvious to provide audio and video signals in the '614 patent to provide a user with a wide variety of video programming and musical sources.

Claim 6 corresponds to instant application claim 5, and provides a further limitation of the system further comprising a common output device for presenting one of the media signals. It would have been obvious to provide a common output device in the '614 patent so that a user can view or listen to the selected source at his/her leisure.

Claim 8 corresponds to instant application claim 7, and provides a further limitation of the user input device having a keyboard having a number of buttons for producing selection and modification commands. It would have been obvious to provide a keyboard in the '614 patent so that a user can provide a number of different selection and modification options such as changing a channel or selecting a different media source.

Claim 9 corresponds to instant application claim 8, and provides a further limitation of the user input device including a graphical user interface displayed on the common output device. It would have been obvious to provide a graphical user interface in the '614 patent so that a user can be instructed on the common output device to provide selection commands.

Claim 13 corresponds to instant application claim 10, and provides a further limitation of receiving a modification command to modify the value of a setting for one media signal. It would have been obvious to provide a modification command (for controlling the presentation as discussed in instant application claim 15) in the '614 patent so that a user can control the aesthetic aspects of the media input signals selected for display on the common output device.

Claim 15 corresponds to instant application claim 15, and provides a further limitation of storing multiple values in the parameter entries in the data structure for each of the different media signals. It would have been obvious to store multiple values in the data structure (which stores all values related to media input signals) for the purpose of providing the user with access to multiple picture and audible adjustment options on the common output device.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily

published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-13, and 23-27 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Williams et al. (U.S. Patent No. 5,945,988).

Referring to claim 1, Williams discloses a plurality of media input signals (Column 4, Lines 20-21). Williams also discloses at least one setting associated with said signals, which controls presentation of media from said signals (Column 7, Lines 3-9). Williams also discloses that each of the signals is associated with a value for the setting to thereby allow independent control of said setting for each of said signals (Column 6, Lines 61-64).

Referring to claim 2, Williams discloses a media subsystem having a plurality of media input devices for providing said media input signals (Column 3, Lines 37-44).

Referring to claims 3 and 4, Williams discloses that media input devices produce audio and video media input signals (Column 6, Lines 61-64).

Referring to claim 5, Williams discloses a user input device for producing a selection command (Column 3, Lines 60-63). Williams also discloses a media adapter for selecting one of said media input signals for presentation to said user in response to the selection command (Column 4, Lines 8-15). Williams also discloses that the media adapter controls the media signal in accordance with the value of the setting for the one media signal (Column 4, Lines 15-19 and Column 5, Lines 37-53).

Referring to claim 6, Williams discloses a common output device (Column 3, Line 40).

Referring to claim 7, Williams discloses that the user input device further produces a setting modification command (Column 6, Lines 33-41). Williams also discloses that the adapter is responsive to said modification command to modify the value of the setting for the one media signal (Column 6, Lines 61-67).

Referring to claim 8, Williams discloses that the user input device is a keyboard (Column 3, Line 64).

Referring to claims 23-27, see rejection of claims 1-2, and 5-7, respectively.

3. Claims 14-22 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Tsumori et al. (U.S. Patent No. 5,650,827).

Referring to claim 14, Tsumori discloses selecting one of said sources in response to a selection command to said system (Column 5, Lines 57-63 and Column 6, Lines 39-41). Tsumori also discloses retrieving from a table of parameter entries associated with said sources at least one parameter value corresponding to said one source (Column 7, Lines 5-19). Tsumori also discloses presenting media from said one signal to said output device in accordance with at least one retrieved parameter value (Column 7, Lines 20-24).

Referring to claim 15, Tsumori discloses that the parameter entries holds multiple values each corresponding to a different presentation of media from the input signals (Column 6, Lines 61-63 and Column 7, Lines 5-10).

Referring to claim 16, Tsumori discloses where a first group of parameter entries controls the presentation of media from a first output device, and a second group of

parameter entries controls the presentation of media from a second output device (Column 6, Lines 44-61).

Referring to claim 17, Tsumori discloses receiving a selection code from said user representing said predetermined media signal (Column 7, Lines 39-41). Tsumori also discloses switching said one input signal to said one output device (Column 5, Lines 57-67).

Referring to claim 18, Tsumori discloses receiving a parameter code for modifying the value of said parameter for only a particular one of said input signals (see Figure 4 for receiving a menu for adjusting the volume and other settings, and Column 13, Lines 50-65). Tsumori also discloses producing a modified value of said parameter in response to the code (Column 17, Lines 58-65, the examiner notes adjusting any of the system setting is disclosed throughout the specification of Tsumori). Tsumori also discloses storing said modified parameter value in an entry of said table corresponding to said particular one input signal (Column 19, Lines 46-54). Tsumori also discloses presenting media from said selected signal to said output device in accordance with said modified parameter value (Column 19, Lines 58-67).

Referring to claim 19, Tsumori discloses a signal that is currently selected in response to said selection command (Column 17, Lines 35-38 and 53-56).

Referring to claim 20, Tsumori discloses that a user provides the parameter code (Column 8, Lines 37-48 and Column 13, Lines 19-34).

Referring to claim 21, Tsumori discloses that each of the table entries holds multiple values each corresponding to a different one of a plurality of parameters

associated with the presentation of media from said signals (see memory at Column 7, Lines 5-10 for storing multiple values).

Referring to claim 22, Tsumori discloses that the parameter code further specifies a particular one of said parameters as said parameter to be modified (audio or display menus in Figure 4, and Column 13, Lines 50-65).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Frederick (U.S. Patent No. 6,052,740) discloses a convergence system for controlling multiple audio/video devices capable of adjusting audible and visual display settings.

Chang Soo et al. (U.S. Patent No. 5,446,505) discloses a television system cable of adjusting audible and visual display settings with separate audio and video circuitry.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.



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September 18, 2002